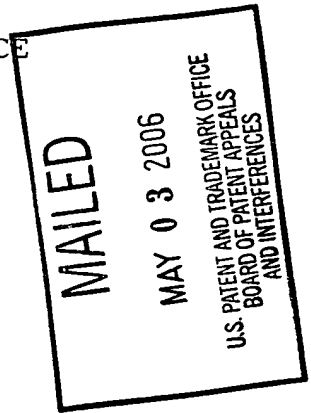


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**Ex parte** GARRETT N. FORD

Application No. 10/743,570



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences (BPAI) on April 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are outlined below:

The examiner's answer mailed January 5, 2006, does not fully comply with the headings as set forth under 37 CFR § 41.37(c). The heading "**(8) Evidence Relied Upon**" lacks the content specific to it. **The Manual Of Patent Examining Procedure (MPEP)** § 1207.02(A)(8) (8th ed., Rev. 3, Aug. 2005) states in part:

. . . CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . . .

**(8) Evidence Relied Upon.** A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

The examiner states under heading "**(8)**" in the answer that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal." It has been determined that the examiner does in fact rely upon reference evidence, the following patents are applied in the 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) rejections on appeal:

Bowman	3,515,417	Jun. 2, 1970
Hsi-Chang	6,220,004	Apr. 24, 2001

Accordingly, it is

**ORDERED** that the application is returned to the

Examiner:

- 1) to issue a revised examiner's answer that complies with the requirements of heading "**(8) Evidence Relied Upon**" as noted above; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
DALE M. SHAW

Program and Resource Administrator  
(571) 272-9797

Application No. 10/743,570

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DMS:hh